

## REMARKS/ARGUMENTS

The Office Action mailed December 1, 2004 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

### Claim Status and Amendment to the Claims

Claims 1, 3, 6, 16, and 21 are now pending.

Applicants gratefully acknowledge the indication of allowability of claim 20 subject to its re-writing in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 4-5, 7-15, and 17-20 have been canceled, without prejudice or disclaimer of the subject matter contained therein.

Claims 1, 3, 6, and 16 has been amended to further particularly point out and distinctly claim subject matter regarded as the invention. The amendment also contains minor changes of a clerical nature.

New claim 21 has been added, which also particularly points out and distinctly claims subject matter regarded as the invention. In claim 21, the term “a pneumatic actuator” is used in place of “a piston” which “acts as a valve body guide means” (page 7, line 8 of the present specification). The description that the valve body guide means moves the valve body so as to allow the fluid in the passage to flow at a flow rate which is lower than a basic control rate of the flow control device (page 4, lines 6-8 of the present specification), for example, supports the valve body guide means which operates as a pneumatic actuator, i.e., actuates the fluid (pneumatic) flow in a specific manner. The description need not be in *ipsis verbis* [i.e., “in the same words”] to be sufficient.

*Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972). The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. MPEP §2163.02. No “new matter” has been added by the amendment.

#### Claim Objections

Claims 9 and 10 stand objected to because the phrases “said fine controller” in each claim should be changed to “a fine controller” since there is no antecedent basis in claims for the respective recited elements. Claim 9 and 10 have been canceled, without prejudice. With this amendment, withdrawal of the objection to the claims is respectfully requested.

#### The 35 U.S.C. §102 Rejection

Claims 1-12 and 17-19 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Ammann (U.S. Pat. No. 3,512,550). In addition, claims 1-16 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Izumi (U.S. Pat. No. 4,287,812).

Independent claim 1 has been amended to include the limitation of allowable claim 20 and all intervening claims 8 and 12. Claim 21 also includes substantially the same distinctive feature as claim 1, as amended.

Accordingly, it is respectfully requested that the rejection of claims based on the prior art references be withdrawn.

Dependent Claims

Claims 3, 6, and 16 depend from claim 1 and thus include the limitations of claim 1. The base claims being allowable, the dependent claims must also be allowable at least for the same reasons.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

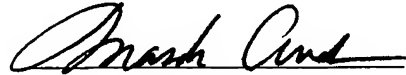
It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1698.

Respectfully submitted,  
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Dated: March 1, 2005



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Limited Recognition under 37 CFR §10.9(b)

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